

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
AMGEN INC.,)	
)	
Plaintiff,)	
)	
v.)	
)	CIVIL ACTION No.: 05-CV-12237WGY
F. HOFFMANN-LA ROCHE LTD)	
ROCHE DIAGNOSTICS GmbH)	
and HOFFMANN-LA ROCHE INC.)	
)	
Defendants.)	
_____)	

**NOTICE OF SERVICE OF ALLEGEDLY CONFIDENTIAL DOCUMENTS
TO BE FILED IN SUPPORT OF DEFENDANTS’ MOTION TO ENFORCE THE
COURT’S MARCH 27, 2007 ORDER AND TO COMPEL DEPOSITION TESTIMONY
UNDER RULE 30(B)(6)**

Defendants F. Hoffmann-La Roche Ltd, Roche Diagnostics GmbH and Hoffmann-La Roche Inc. (collectively, “Roche”) hereby certify, pursuant to the Protective Order dated February 7, 2007 [docket #274], that it served today, via hand-delivery, on plaintiff Amgen Inc.’s (“Amgen”) counsel, Michael R. Gottfried, at Duane Morris LLP and via overnight mail to Amgen’s counsel, Deborah E. Fishman, Day Casebeer Madrid & Bachelder LLP, the following documents which Amgen (not Roche) has identified as confidential:

1. Allegedly Confidential Exhibit B to the Declaration of Keith E. Toms in Support of Defendants’ Motion to Enforce the Court’s March 27, 2007 Order and to Compel Deposition Testimony Under Rule 30(b)(6);
2. Allegedly Confidential Exhibit D to the Declaration of Keith E. Toms in Support of Defendants’ Motion to Enforce the Court’s March 27, 2007 Order and to Compel Deposition Testimony Under Rule 30(b)(6);
3. Allegedly Confidential Exhibit E to the Declaration of Keith E. Toms in Support of Defendants’ Motion to Enforce the Court’s March 27, 2007

Order and to Compel Deposition Testimony Under Rule 30(b)(6);

4. Allegedly Confidential Exhibit F to the Declaration of Keith E. Toms in Support of Defendants' Motion to Enforce the Court's March 27, 2007 Order and to Compel Deposition Testimony Under Rule 30(b)(6);

The allegedly confidential materials comprises excerpts from the depositions of Stuart Watt, Fu-Kuen Lin, Thomas Charles Boone, and Thomas Wayne Strickland, which are necessary for the Court to review the testimony in order to assess whether Amgen has complied with its obligations under the Court's Order and Fed. R. Civ. P. Rule 30(b)(6). Roche believes the excerpts from the depositions at issue are not confidential or trade secret material, but must nonetheless submit them for *in camera* inspection pursuant to the Protective Order because Amgen has not assented to Roche's request to file the documents in the public record.

Pursuant to paragraph 14 of the Protective Order, Amgen has four (4) Court days to seek leave of Court pursuant to Local Rule 7.2 if it seeks to have the Court deem such documents confidential and require their filing under seal. Roche will oppose any such motion within two (2) days.

Dated: April 13, 2007
Boston, Massachusetts

Respectfully submitted,

F. HOFFMANN-LA ROCHE LTD,
ROCHE DIAGNOSTICS GMBH, and
HOFFMANN-LA ROCHE INC.

By their Attorneys,

/s/ Keith E. Toms
Lee Carl Bromberg (BBO# 058480)
Robert L. Kann (BBO# 258025)
Julia Huston (BBO# 562160)
Keith E. Toms (BBO# 663369)
Nicole A. Rizzo (BBO# 663853)
BROMBERG & SUNSTEIN LLP

125 Summer Street
Boston, MA 02110
Tel. (617) 443-9292
ktoms@bromsun.com

Leora Ben-Ami (*pro hac vice*)
Mark S. Popofsky (*pro hac vice*)
Patricia A. Carson (*pro hac vice*)
Thomas F. Fleming (*pro hac vice*)
Howard S. Suh (*pro hac vice*)
Peter Fratangelo (BBO# 639775)
Vladimir Drozdoff (*pro hac vice*)
David L. Cousineau (*pro hac vice*)
KAYE SCHOLER LLP
425 Park Avenue
New York, New York 10022
Tel. (212) 836-8000

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on the above date.

/s/ Keith E. Toms

Keith E. Toms

03099/00501 652223.1